UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/659,779	09/11/2000	TOSHIHARU OGURO	PF-2667/NEC/US/mh	5144

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ART UNIT	PAPER NUMBER
2189	

DATE MAILED: 12/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

Office Action Summary

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _11 September 2000_ .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-8_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-8_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _11 September 2000_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

     If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☒ All b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

     a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _4_ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the
> United States before the invention thereof by the applicant for patent, or on an international application
> by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
> title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) do not apply to the examination of this application as the application

being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily

published under 35 U.S.C. 122(b). Therefore, this application is examined under 35

U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2.   Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Brief et

al. (U.S Patent 6,205,501)

        a. As per claim 1, Brief discloses A universal serial bus function evaluator

connected between a computer and an universal serial bus function, said universal

serial bus function evaluator comprising:

- o   a token storage memory for storing a token transmitted from said

      computer; (col.4, lines 36-42)

- o   a packet type judging circuit for judging a type of a return data packet

      returned from said universal serial bus function; (col.16, lines 42-57)

- o   a functional circuit connected to said token storage memory for

fetching IN token from said token storage memory and holding the same, and said functional circuit also being connected to said packet type judging circuit for receiving an information about the type of said return data packet from said packet type judging circuit, so that if said return data packet is of NAK type, then said functional circuit transmits the 1N token held therein to said universal serial bus function, and if said return data packet is of either DATA type or STALL type, then said functional circuit cancels the held IN token. (col.5, lines 45-64), (col.8, lines 21-25), (col.7, lines 22-55)

b. As per claim 2, Brief discloses:

o   an oscillator for generating a clock signal ; (col.7, lines 22-35), (col.8, lines 1-6)

o   an IN token holding circuit connected to said oscillator for receiving said clock signal and also connected to said token storage memory for fetching IN token from said token storage memory and holding the same; (col.5, lines 45-64), (col.7, lines 22-67), (col.8, lines 1-25)

o   a timing controller connected to said oscillator for receiving said clock signal and also connected to said packet type judging circuit for receiving an information about the type of said return data packet, and said timing controller also connected to said IN token holding circuit for controlling said IN token holding circuit both in a holding timing for holding said IN token and in a transmitting timing for transmitting said

IN token to said universal serial bus function. (col.7, lines 22-55),

(col.2, lines 6-11)

c. As per claim 3, Brief discloses an EOP detecting circuit connected to said universal serial bus function for receiving said return packet to detect a packet end of said return packet, and said EOP detecting circuit also connected to said timing controller for sending an EPO detecting signal which represents the packet end to said timing controller. (col.7, lines 22-35)

d. As per claim 4, Brief discloses return data packet is of DATA type, then said functional circuit not only cancels the held IN token but also transmits ACK token. (col.7, lines 28-55)

e. As per claim 5, Brief discloses:

   o an oscillator for generating a clock signal ; (col.7, lines 22-35), (col.8, lines 1-6)

   o an IN token holding circuit connected to said oscillator for receiving said clock signal and also connected to said token storage memory for fetching IN token from said token storage memory and holding the same; (col.5, lines 45-69), (col.7, lines 22-67), (col.8, lines 1-25)

   o an ACK token transmission circuit connected to said oscillator for receiving said clock signal; (col.7, lines 22-35)

   o a timing controller connected to said oscillator for receiving said clock signal and also connected to said packet type judging circuit for receiving an information about the type of said return data packet, and said timing

controller also connected to said IN token holding circuit for controlling said IN token holding circuit both in a holding timing for holding said IN token and in a transmitting timing for transmitting said IN token to said universal serial bus function, so that if said return data packet is of DATA type, then said timing controller allows said ACK token transmission circuit to transmit an ACK token to said universal serial bus function. (col.7, lines 22-55), (col.2, lines 6-11)

f. As per claim 6, Brief discloses:

- token storage memory for storing a token transmitted from said computer ; (col.4, lines 36-42)

- a token transmission circuit connected to said token storage memory for transmitting a token stored in said token storage memory ; (col.7, lines 36-42)

- an IN token detecting circuit connected to said token transmission circuit ; (col.7, lines 22-35)

- an oscillator for generating a clock signal ; (col.7, lines 22-35), (col.8, lines 1-6)

- an IN token holding circuit connected to said oscillator for receiving said clock signal and also connected to said token transmission circuit for receiving an IN token from said token transmission circuit and holding the same ; (col.7, lines 22-67), (col.5, lines 45-64), (col.8, lines 1-25)

a receiving shift register being connected to a universal serial bus function

for receiving a return packet from said universal serial bus function ; (col.8,

lines 22-46)

○ a packet type judging circuit connected to said receiving shift register for

receiving said return packet and judging a type of said return packet;

(col.16, lines 42-57)

○ an EOP detecting circuit connected to said universal serial bus

function for receiving said return packet to detect a packet end of said

return packet ; (col.7, lines 22-35)

○ a timing controller connected to said oscillator for receiving said clock

signal and also connected to said EOP detecting circuit for receiving an

EOP detecting signal which represents said packet end of said return

packet, said timing controller also connected to said packet type judging

circuit for receiving an information about the type of said return packet,

and said timing controller also connected to said IN token holding circuit

for controlling said IN token holding circuit both in a holding timing for

holding said IN token and in a transmitting timing for transmitting said IN

token to said universal serial bus function, so that if said return packet is of

NAK type and said timing controller receives both said return packet of

NAK type and said EOP detecting signal, then said timing controller allows

said IN token holding circuit to transmit the 1N token held therein to said

universal serial bus function, and if said return data packet is of either

DATA type or STALL type, then said timing controller instructs said IN token holding circuit to hold said IN token therein. (col.2, lines 6-11), (col.7, lines 22-55), (col.8, lines 21-25), (col.5, lines 45-64)

g. As per claim 7, Brief discloses an ACK token transmission circuit connected to said oscillator for receiving said clock signal, and if said return packet is of DATA type, then said timing controller allows said ACK token transmission circuit to transmit an ACK token to said universal serial bus function. (col.7, lines 28-55)

h. As per claim 8, Brief discloses:

- judging a type of a return data packet returned from said universal serial bus function ; (col.4, lines 36-42)

- fetching IN token from said storing means and holding the same; (col.5, lines 45-64)

- receiving an information about the type of said return data packet from said packet type judging circuit, so that if said return data packet is of NAK type, then said functional circuit transmits the IN token held therein to said universal serial bus function, and if said return data packet is of either DATA type or STALL type, then said functional circuit cancels the held IN token. (col.8, lines 21-25), (col.7, lines 22-55), (col.5, lines 45-64)

Conclusion

3.   The prior art made of record and not relied upon is considered pertinent to
applicant's disclosure.

Habusha et al. [USPN 6,205,498] discloses managing the transfer of message
packets.

Any inquiry concerning this communication or earlier communications from the examiner should

be directed to Kim Huynh whose telephone number is (703)305-5384 or via e-mail addressed to

[kim.huynh3@uspto.gov]. The examiner can normally be reached on M-F 8:30AM- 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark

Rinehart can be reached on (703)305-4815 or via e-mail addressed to [mark.rinehart@uspto.gov]. The

fax phone numbers for the organization where this application or proceeding is assigned are (703)746-

7249 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be

directed to the receptionist whose telephone number is (703)306-5631.

Kim Huynh

Dec.9 , 2002

SUMATI LEFKOWITZ
PRIMARY EXAMINER